

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SCOTT A. DREW,)	
)	
)	
<i>Plaintiff,</i>)	Civil Action No. 14-266 Erie
)	
v.)	ORDER
)	
KIM SMITH,)	
et al.,)	
)	
<i>Defendants.</i>)	
)	
)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of Magistrate Judge Susan Paradise Baxter (ECF 132). There have been no objections filed to the Report and Recommendation.

The Magistrate Judge recommends that the motion to dismiss brought by Defendant McGarvie (ECF 122) and the motion for summary judgment brought by Defendant Smith (ECF 127) be granted. Magistrate Judge Baxter also recommends that Plaintiff's complaint as to Defendant Rami Abraham be dismissed for failure to serve in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

The Court has reviewed the well-reasoned and thoroughly researched recommendation of the Magistrate Judge and finds it to be correct in all regards.

Now, therefore, IT IS ORDERED AS FOLLOWS:

- 1) Defendant Smith's motion for summary judgment is GRANTED.
- 2) Defendant McGarvie's motion to dismiss is GRANTED.

3) Plaintiff's claims against defendant Rami Abraham are DISMISSED.

IT IS SO ORDERED.

DATED this 4th day of December, 2017.

A handwritten signature in black ink, reading "Barbara J. Rothstein". The signature is written in a cursive, flowing style.

BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE